

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

DAVID R. CALLAWAY (CASBN 121782)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5596
Facsimile: (408) 535-5066
E-Mail: david.callaway@usdoj.gov

E-FILED - 7/16/09

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 07-00245 RMW
14 Plaintiff,) JOINT REQUEST TO PLACE MATTER ON
15 v.) FOR SENTENCING; ORDER []
16 MURDAUGH STUART MADDEN, JR.,) Date: August 31, 2009
17 Defendant.) Time: 9:00 a.m.
18) Before The Honorable Ronald M. Whyte

The parties jointly request the Court to put this case on for sentencing on August 31,

21 2009, at 9:00 a.m. That date is *not* within forty-five days of May 20, 2009, as the Court directed
22 in its ruling denying the defendant's motion to withdraw his guilty plea.¹ The parties apologize
23 and request the Court's indulgence in setting a later date.

24 The initial reason for the delay in setting a sentencing date was the government's belief
25 that the defendant wished to have a new Presentence Report (PSR), prepared by a different
26 United States Probation Officer, prior to sentencing. That understanding was incorrect.

¹The latest date for sentencing consistent with the Court's deadline would have been July 6, 2009.

The additional delay is based the attorneys' schedules. After comparing calendars, including vacation plans that did not coincide,² counsel determined that the first date that would accommodate both their schedules, while allowing sufficient time to prepare sentencing memoranda, was the date they are requesting, August 31st. That date is also acceptable to United States Probation Officer Lori Timmons, who is now handling the case.

Accordingly, the parties respectfully request that sentencing occur on **August 31, 2009**, at 9:00 a.m., before The Honorable Ronald M. Whyte. The government is not requesting an earlier date for its motion to remand the defendant, and will defer that motion until sentencing.

SO STIPULATED:

DATED:

JOSEPH P. RUSSONIELLO
United States Attorney

/ 8 /

DAVID R. CALLAWAY
Assistant United States Attorney
Counsel for United States

DATED:

/ S /

e. robert (bob) wallach
Counsel for Defendant

ORDER

For the reasons set forth above, and good cause appearing,

IT IS HEREBY ORDERED that the sentencing in the captioned matter shall occur on August 31, 2009, at 9:00 a.m. The parties shall file their sentencing memoranda by August 24, 2009.

Date: 7/16/09

RONALD M. WHYTE
United States District Judge

²Counsel get along well, but have not yet reached the point of taking their family vacations together.